

**MESSAGES FROM GOVERNOR**

The following Messages from the Governor were read and filed with the Secretary of the Senate:

Austin, Texas  
May 26, 1973

**TO THE MEMBERS OF THE SENATE, SIXTY-THIRD LEGISLATURE,  
REGULAR SESSION, STATE OF TEXAS:**

Pursuant to the provisions of Article IV, Section 14 of the Constitution of the State of Texas, I herewith return to you S.B. 295 unsigned for the following reasons:

I am well aware that a number of county attorneys included in S.B. 295 actually performed the duties of a District Attorney, although they do not have the title of District Attorney. The idea behind the introduction of this bill was to provide adequate salaries for those officials whose primary work is the representation of the state in the prosecution of felony offenses.

As so often happens in the legislative process, unfortunately this bill was amended to include other officials who did not qualify under the purposes for which this bill was conceived. As an example, one of the county attorneys in this bill represented the state in only 13 cases during the entire year of 1971, and of these cases, 5 defendants pleaded guilty before a Judge, 5 pleaded guilty before a jury, 2 others pled not guilty and were found guilty before a Judge and the other was acquitted upon a jury trial. In another county, the county attorney's action in felony prosecutions consisted only of dismissing 5 cases, and represented the state upon a plea of guilty in 12 cases. In another county although 41 cases were filed adding to the 63 then on the docket, there were no jury trials and the only activity of that county attorney was representing the state on 25 pleas of guilty. In another county where 402 cases were pending on the docket and 76 new cases were filed, the only activity of the county attorney was to represent the state upon one jury trial in which the defendant was acquitted and 37 cases in which the defendant pled guilty before the Judge.

I feel it absolutely necessary that the total picture of compensation of District Attorneys be examined and that we do not further aggravate the serious inequities that exist in that field by passage of legislation such as S.B. 295, as it is presented to me by the Legislature.

Respectfully submitted,  
**DOLPH BRISCOE**  
Governor of Texas